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Appl. No. : 09/653,201
Applicant : Bryan Whittle et al.
Filed : August 31, 2000
Title : System And Method For Interconnecting Multiple
Virtual Private Networks

TC/A.U. : 2157
Examiner : Moustafa M. Meky

Docket No. : 000479.00013
Confirmation No. : 4705

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

I, Kaj TESINK, hereby declare as follows:

1. I am the Kaj TESINK who is named as an inventor of the above-identified application.

2. I am familiar with the instant application and the non-final Office Action dated April 13, 2004.

3. I consider myself to have been one skilled in the art at the time of filing the present invention on August 31, 2000, and on August 31, 1999, the date to which the present invention claims priority. I consider myself to be one skilled in the art today.

4. The Automotive Network eXchange (ANX) system and related documentation regarding certification of Internet Service Providers and Exchange Point Operators would have been understood by one skilled in the art at the time of filing the present invention and at the time that the present invention claims priority.

5. In May 1998, the Automotive Industry Action Group (AIAG) published the "ANX Release 1 Document Publications" Parts 1-6 (TEL-2 02:00 publication). The TEL-2 02:00 publication describes the certification process for an Internet Service Provider (ISP) and/or an Exchange point Operator (EPO) and standards/metrics for assessing service quality of an ISP and/or an EPO. The TEL-2 02:00 publication was generally available to the public in May of 1998. The TEL-2 02:00 publication is incorporated by reference in its entirety in Applicants' original written description on page 3, lines 9-11. The TEL-2 02:00 publication is attached herein as Exhibit A.

6. One skilled in the art at the time of filing of the present invention and at the time the present invention claims priority would have known the ANX system to be a subscription-based network composed of Certified Service Providers (CSPs), which provide IP network service, that have satisfied certain service end-to-end quality requirements. (See original written description, page 2, lines 11-18 and TEL-2 02:00 publication, Part 1-Page 1). CSPs and Certified Exchange Point Operators (CEPOs) must satisfy certain performance and security requirements in order to be certified under the ANX. These certification processes are disclosed in the TEL-2 02:00 publication. (See original written description, page 3, lines 8-14).

7. The standards/metrics of the TEL-2 02:00 publication and Applicants' original written description and drawings would have enabled one skilled in the art at the time of filing of the present invention and at the time the present invention claims priority to make and use Applicants' invention. Specific features of Applicants' claims are addressed below.

8. Applicants' feature, "to ensure end-to-end service quality" is described in Applicants' original written description in such a way as to enable one skilled in the art to make and/or use the invention. The TEL-2 02:00 publication describes one set of standards/metrics for

certification to ensure end-to-end service quality. Specifically, Part 2 of the TEL-2 02.00 publication specifies the requirements for an ISP, EPO, or other data communications service provider, to become and to sustain its status as an ANX CSP or an ANX CEPO. (See TEL-2 02.00 publication, Part 2-Page 1). One skilled in the art at the time of filing of the present invention and at the time the present invention claims priority would have been enabled "to ensure end-to-end service quality" by the description within Applicants' original written description at least with respect to end-to-end service quality standards/metrics defined in the TEL-2 02.00 publication.

9. Applicants' feature, "maintaining minimum standards for cross network services, virtual private network interoperability, inter-network performance, inter-network reliability, disaster recovery and business continuity, inter-network security, inter-network customer care, and inter-network trouble handling" is described in Applicants' original written description in such a way as to enable one skilled in the art to make and/or use the invention. The TEL-2 02.00 publication describes one set of standards/metrics for certification to ensure end-to-end service quality. Specifically, Part 2, Section 2 of the TEL-2 02.00 publication specifies the requirements for network service metrics. Part 2, Section 3 of the TEL-2 02.00 publication specifies the requirements for interoperability metrics. Part 2, Section 4 of the TEL-2 02.00 publication specifies the requirements for performance metrics. Part 2, Section 5 of the TEL-2 02.00 publication specifies the requirements for reliability metrics. Part 2, Section 6 of the TEL-2 02.00 publication specifies the requirements for business continuity and disaster recovery metrics. Part 2, Section 7 of the TEL-2 02.00 publication specifies the requirements for security metrics. Part 2, Section 8 of the TEL-2 02.00 publication specifies the requirements for customer care metrics, and Part 2, Section 9 of the TEL-2 02.00 publication specifies the requirements for trouble handling metrics. (See TEL-2 02.00 publication, Part 2-Page 1-2). One skilled in the art at the time of filing of the present invention and at the time the present invention claims priority would have been enabled for "maintaining minimum standards for cross network services, virtual private network interoperability, inter-network performance, inter-network reliability, disaster recovery and business continuity, inter-network security, inter-network customer care, and inter-network trouble handling" by the description within Applicants' original

written description at least with respect to end-to-end service quality standards/metrics defined in the TEL-2 02.00 publication.

10. Applicants' feature, "maintaining packet latency below a maximum acceptable value" is described in Applicants' original written description in such a way as to enable one skilled in the art to make and/or use the invention. The TEL-2 02.00 publication describes one set of standards/metrics for certification to ensure end-to-end service quality. Specifically, Part 2, Section 4 of the TEL-2 02.00 publication specifies the requirements for a file transfer delay metric. (See TEL-2 02.00 publication, Part 2-Pages 90-104). One skilled in the art at the time of filing of the present invention and at the time the present invention claims priority would have been enabled for "maintaining packet latency below a maximum acceptable value" by the description within Applicants' original written description at least with respect to end-to-end service quality standards/metrics defined in the TEL-2 02.00 publication. Further, Applicants' original written description and Figures would have enabled one skilled in that art at the time of filing of the present invention and at the time when the present invention claims priority to make and use the invention. (See page 10, line 26-page 11, line 4, and Figure 6).

11. Applicants' feature, "maintaining the number of multiple service providers below a maximum acceptable number" is described in Applicants' original written description in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, Applicants' original written description describes how an xNX-type virtual private network uses a maximum number of two CSPs (Certified Internet Service Providers) between any two Trading Partners (subscribers). (See page 14, lines 5-11). As such, Applicants' written description and Figures would have enabled one skilled in that art at the time of filing of the present invention and at the time when the present invention claims priority to make and use the invention for "maintaining the number of multiple service providers below a maximum acceptable number."

12. Applicants' feature, "maintaining an operable connection within a maximum acceptable period of unavailability" is described in Applicants' original written description in such a way as to enable one skilled in the art to make and/or use the invention. The TEL-2 02.00 publication describes one set of standards/metrics for certification to ensure end-to-end service

quality. Specifically, Part 2, Section 5 of the TEL-2 02.00 publication specifies the requirements for reliability metrics. (See TEL-2 02.00 publication, Part 2-Pages 105-145). One skilled in the art at the time of filing of the present invention and at the time the present invention claims priority would have been enabled for “maintaining an operable connection within a maximum acceptable period of unavailability” by the description within Applicants’ original written description at least with respect to end-to-end service quality standards/metrics defined in the TEL-2 02.00 publication. Further, Applicants’ original written description and Figures would have enabled one skilled in that art at the time of filing of the present invention and at the time when the present invention claims priority to make and use the invention. (See page 11, lines 4-9, and Figure 7).

13. Applicants’ feature, “to resolve disputes” is described in Applicants’ original written description in such a way as to enable one skilled in the art to make and/or use the invention. The TEL-2 02.00 publication describes one set of standards/metrics for certification to ensure end-to-end service quality. Specifically, Part 2, Section 9 of the TEL-2 02.00 publication specifies the requirements for trouble handling metrics. (See TEL-2 02.00 publication, Part 2-Pages 170-180). One skilled in the art at the time of filing of the present invention and at the time the present invention claims priority would have been enabled “to resolve disputes” by the description within Applicants’ original written description at least with respect to end-to-end service quality standards/metrics defined in the TEL-2 02.00 publication. Further, Applicants’ original written description and Figures would have enabled one skilled in that art at the time of filing of the present invention and at the time when the present invention claims priority to make and use the invention. (See page 9, lines 14-25, and page 12, lines 23-27, and Figures 4, 8, 10, and 12).

14. Applicants’ feature, “pays a fee to the global overseer” is described in Applicants’ original written description in such a way as to enable one skilled in the art to make and/or use the invention. Specifically, Applicants’ original written description and Figures describe how the cost of running multiple virtual private networks, including program overseers and interconnect providers, increases and how these costs can be distributed by fees being made to a global overseer. (See page 12, line 28-page 13, line 4, and Figure 13). As such, Applicants’

written description and Figures would have enabled one skilled in that art at the time of filing of the present invention and at the time when the present invention claims priority to make and use the invention.

15. Applicants' feature, "to certify the at least one interconnect provider" is described in Applicants' original written description in such a way as to enable one skilled in the art to make and/or use the invention. The TEL-2 02.00 publication describes one set of standards/metrics for certification to ensure end-to-end service quality. Specifically, Part 2 of the TEL-2 02.00 publication specifies the ANX Certification Requirements for Service Providers. (See TEL-2 02.00 publication, Part 2-Pages 1-260). One skilled in the art at the time of filing of the present invention and at the time the present invention claims priority would have been enabled "to certify the at least one interconnect provider" by the description within Applicants' original written description at least with respect to end-to-end service quality standards/metrics defined in the TEL-2 02.00 publication. Further, Applicants' original written description and Figures would have enabled one skilled in that art at the time of filing of the present invention and at the time when the present invention claims priority to make and use the invention. (See page 10, lines 4-20).

16. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.


Kaj Tesink

10/6/04
Date

Appl. No. 09/653,201
Declaration under Rule 1.132
To Accompany Response to Non-Final Office Action of April 13, 2004

EXHIBIT A

“ANX Release 1 Document Publications” Parts 1-6 (TEL-2 02.00 publication)